

STATE OF LOUISIANA* PARISH OF CONCORDIA * 7TH JUDICIAL DISTRICT

HAROLD D. WEBSTER, JR.

FILED: 5-21-15

VERSUS NO.: 49244

CITY OF FERRIDAY, MAYOR,
GENE ALLEN, CITY COUNCIL,
CHIEF OF POLICE, DERRICK
FREEMAN, FERRIDAY POLICE
DEPARTMENT, JOHN G. HAWKINS
CHRIS GOAD, INDIVIDUALLY AND
IN THEIR OFFICIAL CAPACITY, AND
THEIR INSURANCE COMPANY XYZ.

BY: Lincoln Jendel
DEPUTY CLERK OF COURT

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes the Plaintiff, **HAROLD D. WEBSTER, JR.**, being of the full age of majority and a domiciliary of the Parish of Concordia, State of Louisiana, respectfully represents that:

1.

That made Defendants herein are the **CITY OF FERRIDAY**, a government entity operating pursuant to the laws of the State of Louisiana, custom and usage, deprived plaintiff of rights secured by the United States Constitution, in violation of 42 U.S.C. Section 1983.

MAYOR, GENE ALLEN AND THE FERRIDAY CITY COUNCIL, are the governing authorities, decision makers for the City of Ferriday, and is acting pursuant to the laws of the State of Louisiana.

FERRIDAY POLICE DEPARTMENT, AND CHIEF OF POLICE, DERRICK FREEMAN, is the governing authority, decision makers for the Ferriday Police Department.

Defendants, **JOHN G. HAWKINS, CHRIS GOAD**, acting individually and in their official capacity under the authority of the Ferriday Police Department.

Defendants, **INSURANCE COMPANY XYZ**, doing business in the State of Louisiana.

2.

All defendants are justly and truly indebted unto Petitioner for all sums as are reasonable under the premises, punitive damages as allowed by law, attorney's fees, all cost of these proceedings, legal interest thereon from the date of judicial demand until paid, and all such other relief to which Petitioner is entitled at law or in equity.



3.

On May 25, 2014, Plaintiff was traveling down Alabama Street en route to his sister's house when he was stopped by Officers John Hawkins and Chris Goad in his sister's driveway for an alleged traffic maneuver.

4.

Plaintiff exited out of the vehicle pursuant to the Officers directives with his hands up in the air not moving in full compliance with their orders.

5.

Upon information and belief, Officer Chris Goad then grabbed plaintiff by his right arm then by his left arm handcuffed and placed him into custody. While walking to the Police car, one of the officers slammed plaintiff to the ground. Further upon information and belief, plaintiff alleges that he was slammed to the ground, was beaten across the head and in the face with a heavy metal object.

6.

Plaintiff further alleges that in spite of the severity of his injuries no medical services were provided until after he arrived at the Ferriday Police Department when he was then transported by ambulance to the Riverland Medical Center.

7.

As a result of the actions of the Defendants, Plaintiff suffered severe trauma to his head and right eye, Post Traumatic Stress disorder, extreme physical pain, emotion distress and mental anguish, and all such other damages as will be more fully shown at the trial of this matter and all for which Plaintiff sues for herein

8.

The actions of these defendants were in wanton and a reckless disregards for Mr. Webster's clearly established rights and hence, defendants are liable for punitive damages as allowed by law.

9.

At all times pertinent, hereto, Mr. Webster enjoyed clearly established rights to be free from cruel and unusual punishment pursuant to the 8th Amendment to the United States Constitution due process pursuant to the 5th and the 14th Amendment to the U. S. Constitution. Further, the enjoyment of the 4th amendment to be free from excessive force. The actions/

deliberate inactions of the defendants impaired and interfered with Mr. Webster's clearly established rights and defendants are thus liable to plaintiff pursuant to 42 U.S.C. § 1983.

10.

Upon information and belief and therefore Plaintiff alleges that his injuries were caused by the negligence and/or fault under La.C.C. Art. 2315 of the defendants and their employees/agents to be identified as follows:

1. Beating Mr. Webster;
2. Failing to adequately train and supervise their employees regarding restraint of person;
3. Refusing and/or failing to render immediately and/or adequate medical attention;
4. Such other actions/inactions as will be more fully shown at the trial of this matter.

11.

Defendants are additionally liable for attorney's fees pursuant to 42 U.S.C. § 1988 for which Plaintiff specifically sues herein.

12.

Defendants are liable for all such other relief to which Plaintiff is entitled at law or in equity and all for which Plaintiff specifically sues herein.

13.

Plaintiff is entitled to and desires trial by Jury of this matter.

WHEREFORE, Plaintiff **HAROLD D. WEBSTER, JR.**, prays for trial by Jury and after due proceedings are had, that there be judgment herein in his favor and against all defendants, for all sums as are reasonable under the premises, punitive damages as allowed by law, attorney's fees, all cost of these proceedings, legal interest therein from the date of Judicial demand until paid, and all such other relief to which he is entitled by law or in equity.

Respectfully Submitted



Carol D. Powell Lexing
Attorney at Law
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Monroe, Louisiana 71201
Telephone: (318) 324-0700
Facsimile: (318) 324-0702
Email: legaldove2@yahoo.com
Bar Roll No. 21033

PLEASE SERVE:

**Town of Ferriday
Mayor Gene Allen
and the Town Council
at 1116 2nd Street
Ferriday, Louisiana 71334**

**Ferriday Chief of Police
Derrick Freeman
John G. Hawkins
1302 North E Wallace Road
Ferriday, Louisiana 71334**

**Chris Goad
at his place of employment:
Concordia Parish Sheriff's office
4001 Carter Street, Room 7
Vidalia, Louisiana 71373**

Parish of Concordia
State of Louisiana
7th Judicial District Court

DOC # 49284
TO MAYOR ALLEN
PER _____ DOM _____
(PRINT) Keisha Prosser
SIGN. Keisha Prosser / Asst. Clerk
MILEAGE 14 DATE 5-27-15
DEPUTY W. H.

HAROLD D WEBSTER, JR
VS. # 49284 "B"
CITY OF FERRIDAY, ETAL

CITATION

To: FERRIDAY MAYOR GENE ALLEN
1116 2ND STREET
FERRIDAY, LA

FILED 5/29/15
BY STV
Deputy Clerk of Court

You are hereby summoned to comply with the demand contained in the Petition, of which a certified copy accompanies the Citation, or to deliver your answer in writing to said petition, in the office of the Clerk of the Seventh District Court, in and for the Parish of Concordia which office is in the City of Vidalia, said Parish and State, within 15 days after the service hereof. Your failure to comply herewith will subject you to the penalty of default judgment against you.

This service was order by attorney CAROL D POWELL LEXING and was issued by the Clerk of Court on May 22, 2015

W. H.
Deputy Clerk, Concordia Parish, Louisiana

SHERIFFS RETURN

DATE RECEIVED 5-26-15

DATE SERVED 5-27-15

SERVICE \$ 20.00

PERSONAL () _____

MILEAGE \$ 14.28

DOMICILIARY (✓) (Asst. Clerk) Keisha Prosser

TOTAL \$ 34.28

DEPUTY: W. H.

Parish of Concordia
State of Louisiana
7th Judicial District Court

HAROLD D WEBSTER, JR
VS. # 49284 "B"
CITY OF FERRIDAY, ETAL

DOCK
TO Chris Goad
PER ✓ DOM ✓
(PRINT)
SIGN.
MILEAGE ✓ DATE 5/27/15
DEPUTY Ortiz

CITATION

To: CHRIS GOAD, CONCORDIA PARISH SHERIFFS OFFICE
4001 CARTER STREET
VIDALIA, LA

FILED 5/29/15
BY STV
Deputy Clerk of Court

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UN
Deputy Clerk, Concordia Parish, Louisiana

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PERSONAL (✓)

DOMICILIARY ()

DEPUTY: Ortiz

SERVICE \$ 20.00

MILEAGE \$ —

TOTAL \$ 20.00

Parish of Concordia
State of Louisiana
7th Judicial District Court

DOC # 49284
TO Derrick Freeman
PER ✓ DOM _____
(PRINT) _____
SIGN. _____
MILEAGE 24 DATE 5-27-15
DEPUTY Wm. J. [Signature]

HAROLD D WEBSTER, JR
VS. # 49284 "B"
CITY OF FERRIDAY, ETAL

CITATION

FILED 5/29/15
BY STV
Deputy Clerk of Court

To: **FERRIDAY CHIEF OF POLICE, DERRICK FREEMAN**
1302 N EE WALLACE BLVD
FERRIDAY, LA

You are hereby summoned to comply with the demand contained in the Petition, of which a certified copy accompanies the Citation, or to deliver your answer in writing to said petition, in the office of the Clerk of the Seventh District Court, in and for the Parish of Concordia which office is in the City of Vidalia, said Parish and State, within 15 days after the service hereof. Your failure to comply herewith will subject you to the penalty of default judgment against you.

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[Signature]
Deputy Clerk, Concordia Parish, Louisiana

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DATE SERVED 5-27-15

PERSONAL (✓) _____

DOMICILIARY () _____

DEPUTY: [Signature]

SERVICE \$ 20.00

MILEAGE \$ 14.28

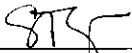
TOTAL \$ 34.28

Monday, December 7, 2015


49284 HAROLD D WEBSTER, JR vs CITY OF FERRIDAY, ETAL

A Preliminary Default was entered by the Clerk on behalf of the Plaintiff at the request of CAROL LEXING against the Defendants Mayor Allen, Chief Derrick Freeman and Chris Goad.

A TRUE AND CORRECT EXTRACT OF THE MINUTES OF COURT OF DATE.



DEPUTY CLERK OF COURT
7TH JUDICIAL DISTRICT
CONCORDIA PARISH, LOUISIANA

A TRUE COPY
ATTEST 

DEPUTY CLERK OF COURT
CONCORDIA PARISH, LA